

The Regular February meeting of the Danville City Council was held on February 6, 2024, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). L.G. "Larry" Campbell Jr. was absent (1).

Staff Members present were: City Manager Ken F. Larking, City Attorney W. Clarke Whitfield, Jr., and City Clerk Susan M. DeMasi. Deputy City Manager Earl B. Reynolds, Jr., was absent.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Gary P. Miller gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Certificate of Recognition: Timothy Lowell Garland, Jr.
Presented to: Mr. Garland

Mr. Garland thanked the Mayor and Council for the Certificate of Recognition; it was an honor to be recognized by the City of Danville. Mr. Garland spoke about his youth, growing up in Danville and expressed gratitude to the teachers and individuals he interacted with here. Mr. Garland thanked Council for the honor; he was still working to better young men's lives and pass on the experiences he has had. Council members congratulated Mr. Garland on his achievements, for representing Danville on a national level, and for his continued support and work with youth.

Introduction of Terrance Draper, 4H Agent, Virginia Cooperative Extension
By Corey Riedel, Horticultural Extension Agent, Virginia Cooperative Extension

Corey Riedel, Extension Agent with the Virginia Cooperative Extension, reviewed their programs and their community engagement. Mr. Riedel introduced the new 4H Extension Agent for Danville, Terrance Draper. Mr. Draper stated he plans to offer programs in the school setting, provide enrichment including a 4H camp July 8 – July 12, and was going to start an archery club. Mr. Draper noted 4H was built to create and discover leaders, and he loves to challenge youth and help them develop skills. There was a link on the Danville 4H page for parents to sign-up their youth, they can call the office at 434-799-6558 or email Mr. Draper at terranced91@vt.edu. He will also be collaborating with Project Imagine. Council Members thanked Mr. Riedel and Mr. Draper.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, Minutes from the Regular Council Meeting held on January 2, 2024 were approved as presented. Draft copies of the Minutes had been distributed prior to the meeting.

NEW BUSINESS

CONSIDERATION OF AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE", SPECIFICALLY, ARTICLE 3.J SECTION C TO CREATE ITEM 23 "AUTOMOBILE AND LIGHT VEHICLE REPAIR ESTABLISHMENTS (WITHIN COMPLETELY ENCLOSED STRUCTURES WITH SCREENED OUTDOOR STORAGE)"

February 6, 2024

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 23, 2024 and January 30, 2024.

Mayor Jones recognized Steven Gould with PLDR Law, representing the applicant, who gave a power point presentation to Council on the three-part request coming from his clients which includes Agenda Items A, B, and C. Mr. Gould explained this property was included in the 1980 annexation from Pittsylvania County, acquired by the current owner in September and zoned residential since 2004. There were prior non-conforming uses of the property that included a cabinet making operation and had also served as the operating base for Regional One EMS. The applicant, First Choice Transmission, when it moved to this location, the planning staff deemed its desired use of the property was expansive and expanded beyond the prior non-conforming use. That decision was appealed to the Board of Zoning Appeals which upheld it. With the Planning staff, they tried to determine a path forward that would allow this property to stay active and a business to continue operating within the city limits. This involved three separate steps, one was the code change which was the first item before Council, followed by rezoning and then a special use permit for this business to operate.

No one further desired to be heard, and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2024-02.01

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.J., SECTION C, TO CREATE ITEM 23 "AUTOMOBILE AND LIGHT VEHICLE REPAIR ESTABLISHMENTS (WITHIN COMPLETELY ENCLOSED STRUCTURES WITH SCREENED OUTDOOR STORAGE)".

The Motion was **seconded** by Council Member Whittle.

Vice Mayor Miller questioned what could and could not come onto the property under the proposed rezoning and Director of Planning Renee Burton stated that items that would be permitted would be offices, banks without a drive-through, restaurants, and things of that nature and level of intensity. Council Member Vogler stated that the building was there regardless; if this did not happen, it would more than likely deteriorate and then become a blight in that neighborhood. Vice Mayor Miller noted his agreement, he thought it was a good use for the property.

The **Motion** was carried by the following vote:

VOTE:	7-0-1-1
AYE:	Hood, Jones, Mayo, Miller, Saunders, Vogler, and Whittle (7)
NAY:	None (0)
ABSENT:	Campbell (1)
ABSTAIN:	Buckner (1)

I, James Buckner, do hereby state that I have a conflict of interest regarding the consideration of the Ordinance Amending Chapter 41, entitled Zoning Ordinance, of the Code of the City of Danville, Virginia, 1985 as amended, more specifically to amend Article 3.J., Section C,

to Create Item 23 “Automobile and Light Vehicle Repair Establishments (within Completely Enclosed Structures with Screened Outdoor Storage)”, listed in the Agenda as New Business Item A. Therefore, pursuant to State law and local government Conflict of Interest Act of Virginia, Code 2.2-3112, I must abstain from voting on this agenda item.

s/James Buckner.

CONSIDERATION OF APPROVING A REZONING APPLICATION FILED BY FIRST CHOICE TRANSMISSIONS LLC REQUESTING TO REZONE 135 FORESTDALE DRIVE (PARCEL 54834) FROM OT-R OLD TOWN RESIDENTIAL TO N-C NEIGHBORHOOD COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding a Rezoning Application for Parcel 54834. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 23, 2024 and January 30, 2024.

Mayor Jones recognized Attorney Steven Gould, representing the applicant who noted this was step two of the three-step process. Now that the code change was adopted, this was a request to rezone the property from the current designation of OT-R to N-C Neighborhood Commercial. Mr. Gould noted his appreciation of Ms. Burton helping them with this process.

Mayor Jones recognized Lewis Garnett, City resident, who asked for clarification on the drive-thru and Ms. Burton stated there could not be a drive-thru without a special use permit.

No one further desired to be heard and the public hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2024-02.02

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL ZONING DISTRICT TO N-C NEIGHBORHOOD COMMERCIAL ZONING DISTRICT PARCEL ID 54834 (135 FORESTDALE DRIVE).

The Motion was **seconded** by Council Member Whittle and carried the following vote:

VOTE: 7-0-1-1
AYE: Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (7)
NAY: None (0)
ABSENT: Campbell (1)
ABSTAIN: Buckner (1)

I, James Buckner, do hereby state that I have a conflict of interest regarding the consideration of approval or denial the rezoning application filed by First Choice Transmissions LLC requesting to rezone 135 Forestdale Drive, Parcel ID #54834 from OT-R Old Town Residential to N-C Neighbor Commercial, listed in the Agenda as New Business Item B. Therefore, pursuant to State law and local government Conflict of Interest Act of Virginia, Code 2.2-3112, I must abstain from voting on this agenda item.

s/James Buckner.

CONSIDERATION OF APPROVING A SPECIAL USE PERMIT APPLICATION FILED BY FIRST CHOICE TRANSMISSIONS LLC AT 135 FORESTDALE DRIVE (PARCEL 54834) TO ALLOW AUTOMOBILE AND LIGHT VEHICLE REPAIR ESTABLISHMENTS

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 135 Forestdale Drive, Parcel 54834. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 23, 2024 and January 30, 2024.

Mayor Jones recognized Attorney Steven Gould, representing the applicant who noted this was step three of the three-step process now that the Code has been amended to allow automotive businesses as a special use in the Neighborhood Commercial zone. This was a request for a Special Use Permit to allow First Choice to operate on this property.

No one further desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2024-02.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00497, FILED BY FIRST CHOICE TRANSMISSIONS, LLC, REQUESTING A SPECIAL USE PERMIT IN ACCORDANCE WITH ARTICLE 3.J, SECTION C ITEM 23 OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 54834 (135 FORESTDALE DRIVE).

The Motion was **seconded** by Council Member Whittle and carried the following vote:

VOTE: 7-0-1-1
AYE: Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (7)
NAY: None (0)
ABSENT: Campbell (1)
ABSTAIN: Buckner (1)

I, James Buckner, do hereby state that I have a conflict of interest regarding the consideration of approval or denial of Special Use Permit Application filed by First Choice Transmissions LLC requesting a special use at 135 Forestdale Drive, Parcel ID #to allow automotive and light vehicle repair establishments, listed in the Agenda as New Business Item C. Therefore, pursuant to State law and local government Conflict of Interest Act of Virginia, Code 2.2-3112, I must abstain from voting on this agenda item.

s/James Buckner.

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY POWERS SIGNS REQUESTING A SPECIAL USE PERMIT AT 540 CENTRAL BOULEVARD (PARCEL 26372)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 540 Central Boulevard. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 23, 2024 and January 30, 2024.

Mayor Jones recognized Thomas Powers from Powers Signs, who noted he was working with Sacred Heart who was requesting the special use permit; he was there in case there were any questions.

No one further desired to be heard and the Public Hearing was closed.

Council Member Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2024-02.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00465, FILED BY POWERS SIGNS, INC., REQUESTING A SPECIAL USE PERMIT FOR A WAIVER TO THE MAXIMUM SIGN AREA IN ACCORDANCE WITH ARTICLE 3.I, SECTION C, ITEM 25 OF CHAPTER 41., ENTITLED “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 26372 (540 CENTRAL BOULEVARD).

The Motion was **seconded** by Council Member Mayo and carried the following vote:

VOTE: 8-0-1
AYE: Buckner, Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None (0)
ABSENT: Campbell (1)

CONSIDERATION OF A REZONING APPLICATION FILED BY RIVER CITY DEVELOPERS LLC, REQUESTING TO REZONE PARCEL 73170 FROM PS-C PLANNED SHOPPING CENTER COMMERCIAL TO M-R MULTIFAMILY RESIDENTIAL

Mayor Jones opened the floor for a Public Hearing regarding a Rezoning Application filed by River City Developers. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 23, 2024 and January 30, 2024.

Steven Gould, PLDR Law, representing the applicants, stated this was the initial step in anticipated development of this property for residential use, it was thirty acres behind Coleman Marketplace, off Parker Road. Plans were currently being formulated and they have had conversations with Planning and Housing about what they may be able to do with the properties. At this point, no details have been finalized; that will be forthcoming. The end result will be new, high-quality housing units outside of the River District and just off an important commercial corridor in the city. The owner of River City Developers anticipates seeking a special use permit likely for a planned unit development for the property, looked forward to presenting a fully developed plan in the coming months and would anticipate inviting neighboring property owners for a discussion of what was being considered before anything was presented to Council for approval.

Mayor Jones recognized Sonya Wallen, 419 Avondale Drive, who stated she was a citizen water quality monitor and the property in question abuts the stream she has been monitoring for seven and half years. It consistently exhibits degrees of impairment for various reasons, even though it was surrounded mainly by woods right now, it still has problems probably coming from upstream. Ms. Wallen questioned if Danville had any policies in place that would ensure some kind of buffer or protection for the feeder streams that feed into the Dan River. City Manager Ken Larking noted from what he understands, this property was adjacent to the stream, and the question would be addressed when a development plan comes forward; they don't have one at this point.

No one further desired to be heard and the public hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2024-02.05

AN ORDINANCE REZONING FROM PS-C PLANNED SHOPPING CENTER COMMERCIAL ZONING DISTRICT TO M-R MULTI-FAMILY RESIDENTIAL ZONING DISTRICT PARCEL ID 73170 (PARKER ROAD).

The Motion was **seconded** by Council Member Buckner.

Mayor Jones asked Ms. Burton to contact Ms. Wallen and update her as this goes forward. Council Member Whittle stated there were erosion and conservation programs in place so that it was less impactful on the streams.

Mr. Larking noted if there was a disturbance of land greater than about one acre, everyone has to get a permit that requires stormwater measures in place, and buffers, to make sure the sediment does not get into the creeks; that was required for any development that disturbs land over an acre. This project would require stormwater control measures to be put into place for this development to occur; that was handled by the public works/engineering department.

The **Motion** was carried the following vote:

VOTE: 8-0-1
AYE: Buckner, Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None (0)
ABSENT: Campbell (1)

CONSIDERATION OF APPROVAL TO RELEASE A BLANKET EASEMENT ON PARCEL 2403-90-5329 IN PITTSYLVANIA COUNTY FOR A DOMINION ENERGY SOLAR FARM

Council Member Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2024-02.01

A RESOLUTION AUTHORIZING THE ABANDONMENT OF ONE BLANKET EASEMENT ACROSS A PROPERTY IN PITTSYLVANIA COUNTY.

The Motion was **seconded** by Council Member Mayo.

Council Member Vogler asked the City Manager what the City was getting out of this, and Mr. Larking noted he did not believe the City was receiving anything from this; it was similar to other easements done in the past. Long ago, when easements were done, they were blanket easements; those were no longer necessary. Director of Utilities Jason Grey explained the easements before were done for the entire property. To incorporate this solar farm for Dominion, the City has to define the utility lines they currently have on the property. The City was basically redoing the easements, but were not getting anything out of it.

The **Motion** was carried the following vote:

February 6, 2024

VOTE: 8-0-1
 AYE: Buckner, Hood, Jones, Mayo, Miller,
 Saunders, Vogler, and Whittle (8)
 NAY: None (0)
 ABSENT: Campbell (1)

COMMUNICATIONS

The City Manager and City Clerk had nothing this evening. City Attorney Clarke Whitfield thanked Mr. Garland and his family for coming tonight and mentioned that Mr. Garland would be the bench coach for the Toledo team in the Detroit Tigers organization, the Mudhens.

Council Member Vogler reminded everyone that t-ball, baseball, and softball signups were available now through Parks and Recreation and encouraged people to sign-up. City and county residents can sign up for these activities through Parks and Recreation, at 434-799-5214 or www.playdanvilleva.com. People may have noticed a lot of properties that were once a house but had been converted to offices and were now empty; Mr. Vogler asked staff to get an inventory of those properties with the possibility of getting them back to residential housing. Mr. Vogler questioned, to report a power outage, would it be possible, moving forward, for the person to give their phone number associated with the account or address instead of their account number. Director of Utilities Jason Grey stated he would get back to Mr. Vogler on this issue.

Council Member Whittle thanked Mr. Garland for coming tonight with his family and would love a one-on-one sit-down meeting to learn more about his history.

Council Member Buckner apologized for missing the unveiling yesterday for the new bus wrap for the City of Danville's Transit System; it was a black history wrap and he was proud to say that this year it is an all-Danville citizen wrap.

Council Member Hood noted the Danville Transit bus wrap for Black History month was amazing. Mr. Hood thanked Mr. Garland and his family for coming out and for all that he has done in the community. He acknowledged several community members including Nannie Louise Pinchback, Miss Caroline Wilson, Miss Dorothy Badsen, Miss Rosa McCain, Thurmond Echols, Arthur and Johnny Pinchback who was part of the SNCC, as well as Danville's first African American firefighter Mr. Frank Ferguson, and others in recognition of Black History month. Mr. Hood spoke about how the residents of the City come together to help those in need and thanked everyone for their part.

Council Member Mayo noted his congratulations to everyone who was included on the bus wrap; it was good to see so many that he has known throughout his life, growing up Danville. Mr. Mayo thanked Mr. Garland and his family, noting how proud he was of him; his story was amazing. Mr. Mayo noted Dr. Brian Jackson from Danville Community College passed away and asked everyone to please keep his family in prayer.

Vice Mayor Miller stated that there was an unsung hero on Council, Bryant Hood, who, with others, went around the City looking for people who were homeless and needed shelter during the cold weather, including a woman with two children, and one two-year-old child who did not have shoes. They collected clothing and other items and handed those out. Dr. Miller commented on the population drop in the recent newspaper headline; Danville's population was growing and will continue to grow, and more businesses will come in. The Chamber of Commerce had a great event last week, their Annual Meeting, with over four hundred people attending.

February 6, 2024

22

Council Member Saunders noted the Chamber event was very nice; it was a great meeting. Mr. Saunders thanked the Transportation Advisory Committee for everything done to honor those on the bus wrap; it was a wonderful occasion and made the families of those honored feel proud. Mr. Saunders welcomed Mr. Garland home, they were very proud of him and thanked him for everything he has done. The Danville Museum of Fine Arts and History was doing good things in the City, and Mr. Saunders thanked the citizens of Danville for all they do everyday. Mr. Saunders noted that hate does not belong anywhere, quite frankly, not in Danville.

Mayor Jones thanked Mr. Draper for the work he has done and will continue to do with the youth, and congratulations to Steven Gould for helping to grow Danville. Mayor Jones noted several Council Members went to the school board meeting last week and there were several things that have been on his mind. Some have asked him since he has been Mayor, about things that other Mayors in cities have done. There were games, balls, and galas, and he would like to try to put something together. There have been so many wonderful people who have come out of the community that have been so successful and have come back. Mayor Jones asked if the city put something together, have a meet and greet at the Carrington Pavilion where young people can come out and meet these people, get autographs, and listen to their stories. He thanked Council Member Saunders for all his support over the years.

The meeting was adjourned at 8:23 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK